

REMARKS

Applicants thank the Examiner for favorable consideration and allowance of claims 1-16. Claims 18-21 have been amended to correct obvious antecedent basis errors. Applicants respectfully assert that no new matter has been added and request reconsideration and allowance of claims 17-21.

On page 2 of the Office Action, claims 17-20 are rejected under 35 U.S.C. §102 (b) as being anticipated by Garrison, et al. (U.S. Patent No. 5,972,030). Applicants respectfully traverse the rejections. In the interest of brevity, Applicants incorporate by reference arguments made concerning claims 17-20 in the communication filed February 24, 2004 as if set forth herein.

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain a rejection based on 35 U.S.C. §102. Applicants respectfully submit that Garrison, et al. do not teach every element of independent claim 17, and therefore fail to anticipate claim 17.

The Office Action contends that Garrison, et al. disclose a "ribbed or grooved button 30 section with the handle 28" at col. 12 and figures 1-4 of Garrison, et al., and contends this meets the element of "the gripping portion including ribs" set forth in

Applicants' independent claim 17. However, the Garrison reference appears to disclose a "slidable actuation button 30," at col. 12 and Figures 1-4 thereof. Actuator button 30 is slidable both proximally and distally (col.13). Thus, since button 30 moves relative to handle 28, it cannot be a gripping portion. Garrison, et al. fail to disclose, teach or suggest the gripping portion including ribs as set forth in claim 17. Garrison, et al. further fail to disclose, teach or suggest a "tip including a protuberance configured to be locked in the apparatus and an abutting surface configured to abut the apparatus," as set forth in claim 17. Garrison, et al. fail to teach each and every claim element arranged as in independent claim 17, and fail to teach the identical invention in as complete detail as contained in claim 17.

Dependent claims 18-20, which are dependent from independent claim 17, were also rejected under 35 U.S.C. §102(b) as being unpatentable over Garrison, et al. While Applicants do not acquiesce with the particular rejections to these dependent claims, it is believed that these rejections are moot in view of the remarks made in connection with independent claim 17. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from the cited references. Therefore, dependent claims 18-20 are also in condition for allowance.

Applicants respectfully request withdrawal of the rejection of claims 17-20 under 35 U.S.C. §102 (b) as being anticipated by Garrison, et al., in addition to notice of allowance of all pending claims.

On page 3 of the Office Action, claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Garrison, et al. in view of Rhee, et al. (U.S. Patent No. 6,019,739). Applicants respectfully traverse the rejection.

Three criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. Second, there must be a reasonable expectation of success. Finally, the prior art reference, or combination of references, must teach or suggest all the claim limitations. MPEP § 2142. Applicants respectfully traverse the rejection since the prior art fails to disclose all the claim limitations and there would be no motivation to combine the references as proposed by the Examiner.

As noted above, Garrison, et al. fails to disclose, teach or suggest specific elements of independent claim 17. Garrison, et al. fail to disclose, teach or suggest the gripping portion including ribs, a tip including a protuberance configured to be locked in the apparatus, and an abutting surface configured to abut the apparatus. Rhee, et al. likewise fails to disclose, teach or suggest these elements. The cited combination of Garrison et al. and Rhee, et al. lacks elements set forth in Independent claim 17.

A *prima facie* case of obviousness is not met by the cited combination. One skilled in the art would not be motivated to combine Garrison et al. with Rhee et al. or modify Garrison et al. in view of Rhee et al., as Rhee et al. teaches away from the feature for which the Office Action has cited the reference. The Office Action cites Figures 1 and 2 of Rhee et al. and contends the reference provides a teaching of a "tapered opening and tip with tapered walls." However, Rhee et al. teach away from

such a configuration (Rhee et al., col. 3, lines 22-40) as lacking a secure attachment, in favor of a threaded tubular configuration (Rhee et al., col. 7, lines 28-40, and col. 8, lines 49-52). A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path the Applicant took. *In re Gurley*, 27 F.3d 551, 31 USPQ2d 1130, (Fed. Cir. 1994); *United States v. Adams*, 383 U.S. 39, 52, 148 USPQ 479, 484 (1966), *In re Sponnoble*, 405 F.2d 578, 587, 160 USPQ 237, 244 (CCPA 1969).; *In re Caldwell*, 319 F.2d 254, 256, 138 USPQ 243, 245 (CCPA 1963).

Furthermore, Applicants refer the Examiner to Applicants' specification at page 2, lines 8-28 in which Applicants also identify and teach away from a friction-type fit. Applicants maintain even if the combination of Rhee, et al. and Garrison, et al. were proper, Rhee, et al. fail to remedy the deficiencies of Garrison, et al. The cited combination fails to meet all the claim limitations.

Applicants respectfully request withdrawal of the rejection of claim 21 under 35 U.S.C. § 103(a) as being anticipated by Garrison, et al. in view of Rhee, et al.

In view of the amendments and reasons provided above, it is believed that all pending claims are in condition for allowance. Applicants respectfully request favorable reconsideration and early allowance of all pending claims.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' attorney of record, Hallie A. Finucane at (952) 253-4134.

Respectfully submitted,

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